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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,593	09/08/2003	Arndt Rosenthal	09700.0075-00	1930

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EXAMINER	
YIGDALL, MICHAEL J	

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
09/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/658,593	ROSENTHAL ET AL.	
	Examiner	Art Unit	
	Michael J. Yigdall	2192	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: 1,2,5-9,11-14 and 16-18.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Michael J. Yigdall/
Examiner, Art Unit 2192

Continuation of 11.

Applicant's arguments have been fully considered but they are not persuasive.

Applicant contends that Gungabeesoon does not teach or suggest "the converted design-time representation of the application is generated from an original design-time representation of the application developed for use in a first run-time environment" such as recited in claim 1 (remarks, pages 3-4).

However, the examiner does not agree with Applicant's conclusion. Gungabeesoon teaches a "converted design-time representation" of the application in the form of converted user interface pages 520 (see column 9, lines 14-17). Gungabeesoon describes that the converted user interface pages 520 are generated from screen definitions 440 (see column 8, lines 44-54). The screen definitions 440 represent an "original design-time representation" of the application developed for use in a first run-time environment (see column 7, lines 50-56). Thus, as set forth in the Office action, Gungabeesoon teaches "the converted design-time representation of the application is generated from an original design-time representation of the application developed for use in a first run-time environment" such as recited in the claims.

Applicant refers to the conversion of the screen definitions 440 and contends that in Gungabeesoon, "only the UI representation of the legacy application is converted from the original legacy application" (remarks, page 4).

However, a design-time "UI representation" of the application is still a design-time representation of the application. Moreover, Gungabeesoon also describes that JavaBean data objects (see column 10, lines 31-36) "are generated during the conversion process as Java class definitions because the definition of the proprietary application screens contain the I/O fields of the screens" (see column 9, lines 54-60). In other words, in addition to the converted user interface pages 520, the "converted design-time representation" of Gungabeesoon also includes Java class definitions that are generated from the screen definitions 440. Thus, in Gungabeesoon, more than just the UI representation of the legacy application is converted from the original legacy application.

In response to Applicant's other arguments (remarks, pages 4-6), the examiner refers to the reasoning presented above. The examiner submits that the record establishes a prima facie case of obviousness.

Accordingly, for the above reasons, claims 1, 2, 5-9, 11-14 and 16-18 stand finally rejected under 35 U.S.C. § 103(a) as set forth in the Office action mailed on June 20, 2008.

/MY/